

State of New York  
Court of Claims

Vidal Whitley-----x

9:15-cv-377

Claimant,

-against-

**NOTICE OF INTENTION**

**TO FILE A CLAIM**

New York State OFFICE OF MENTAL HEALTH/NY DOCS

Defendant(s).

TO: THE CLERK OF THE COURT OF CLAIMS

TO: THE ATTORNEY GENERAL OF THE STATE OF NEW YORK

Sir or Madam:

PLEASE TAKE NOTICE, that the undersigned Vidal Whitley intends to file a claim against the State of New York, pursuant to Sections ten (10) and eleven (11) of the Court of Claims Act.

The post office address of the claimant is: Southport Correctional Facility 236 Bob Masia Drive, P.O. Box 2000 Pine City, New York 14871-2000.

The Claimant is submitting this Notice of Intention to File a Claim Pro Se.

The time when, the place where, and the manner in which the claim arose, are as follows:

The claim arose on 11-25-2013, 20 13, at the following location:

MID STATE Correctional Facility Dec 2013  
Marcy Correctional Facility, Fishkill Correctional Facility, Downstate Correctional Facility, Clinton Correctional Facility

(USE ADDITIONAL PAPER WHERE NECESSARY)

When the following event occurred:

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I was in midstate S-Block 200 and it was because some one sent K-2 in my name in a package to get me up ms Grazane's a social worker for omh came to question me about the situation at hand I told her I didnt know what was going on or why I had been brought to the Box & she revealed why I had been brought to the box & insisted that I knew of illegal happenings once she pressed a few more times it became clear to me this lady ms Grazane had it out for me through her very unprofessional actions ms Grazane had my medication stopped to try & derail my mental stability & health then when I began writing ms Grazane about me not getting my medication she met with me a few times and while I thought our meetings were fine the whole time ms Grazane was writing 100%-Percent PURE LIES on me in her footnotes in my omh Files saying & being that I asked her her marital status and that I asked her what color finger nail polish she had on as if I could just feel myself by looking further more my defense is there's officers if not more in every S-Block 200 in the State of New York if I were indeed & I wasn't making any comments however if I were making comments its very mind boggling that psychiatrist ms Grazane did not open the door on the interview booth & notify an officer (security) that I was allegedly coming on to her instead she chose to write these lies in my File and

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MS Grazonei also failed to Author a misbehavior of such actions however she wrote these lies in my file I went for almost a month without my medication for mental Health illness — Bipolar Depression — Anti social Personality Disorder I take Cefkate 750 milligrams after weeks of being denied my medication I was put on a call out to see medication subscriber MS Tourtelot when she came in the room & started yelling & screaming I was scared & alarmed because I didn't know if she was going to have the guards jump me & beat me as she was screaming you coming on to my staff b4 I said I didn't come on to anyone what you talking about MS Tourtelot — MS Tourtelot said you know you didn't why don't you just admit to it while I said I didn't come on to anyone who are you talking about then this is where & when I found out that this lady MS Grazonei had indeed lied on me MS Tourtelot said so you didn't come on to MS Grazonei I said no she's not even my type MS Tourtelot then said well as a punishment for coming on to my staff I'm stopping your mental health medication I stated that she could not do this this is not only violating my mental health patient Bill of Rights & responsibilities as well as state



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& Federal Law's ms Tourtelot stated she would fix the paper work to say I refused my medication 4 times & that if I don't like it write & or Grieve her & then she told the co's to come & get me out of her Face because I was making her SICK needles to say I never received my medication another time long as I was in midstate correctional Facility DEC 2nd 2013 I was released from the SHU & I went to Mercy correctional Facility across the street that night I spoke with a social worker/psychiatrist named Carrie Sanpietro I explained to her all that I explained herein this honest document & Carrie Sanpietro said well Mr Whitley it doesn't say in any where in your file that your medication has been discontinued just come down here to the infirmary during AM program Run & they'll have your medication for you I done as Directed by ms Carrie Sanpietro so for weeks every day every morning I was taking my medication then I was put on a mental Health call out all of a sudden by Jill Carver I went & soon as I got in the Room ms Carver said to don't think I'm not aware of what you did in midstate to ms Grazzani fed up with this whole emotions false situation I said listen what did you call me down here I ain't come on to nobody ms Carver said well since you asked Mr Whitley I've known ms Tourtelot for a long

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Time & ~~she's~~ a good friend of mine so I'm going to support my friends decision & Now I'm ~~restopping~~ your medication indefinitely & I told her she was violating my rights & breaking the law also & she (ms carver) told me the same thing to write it up Grieve her who cares & you she sent me Back to my DORM C-1 I went told the CO who was working my dorm that Day what had just taken place he had a dislike for it as well called & asked if I could be seen by a Doctor I was sent back to the Infirmary then ms Jill carver came back in the Room acting as if she didn't ~~just~~ see me & she asked me a ~~question~~ rhetorical question (whats wrong mr whitely) I said you know whats wrong you violating me & now you're blocking me from seeing the doctor because you know the degree of misconduct you & your peers have bestowed upon my person we clashed & got into a rather big argument & Officer Brandon sent me Back to C-1 Dorm in Marcy Correctional Facility so weeks go by & I'm not being administered my medication properly or at all to be more specific & when this happened I got myself in to some trouble mainly because I didn't use better judgement in a situation where the powers that be instigated it

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not the less I was thrown into the Box & During my hearing I was violated in more ways than one. In fact it all can be heard on Hearing Tape # 8171

you'll be Able to hear the unfairness & most of all you'll hear sergeant Marshall say when I dealt with you at the dorm & seen you later on at the gym you were

2 different people I tried to get the sergeant to elaborate however he knew where I was headed & he also recognized he had shot his self in the foot being that I suffer from bipolar & severe mood swings & as he said sometimes seeming like I'm a totally different people which would <sup>not</sup> of occurred had I been on my medication as scheduled I was then sent From marcy correctional facility Box to Governor S-Block 200 which is mind boggling because this S-Block is IN the water town HUB & this whole entire Hub Doesnt deal with mentally ill inmates I was never suppose to be sent to there any way we found this out once the nurse was reading my file & started asking me questions with the sergeant & they found out that I'm a level 2 comh patient & the nurse said what's marcy thinking sending me to them & then the nurse seen where the underhand-for-play came in my comh level was dropped from 2 to 6 IN ONE DAY and that's not how that process works at all Then I was put on a bus that same night & taken to Auburn correctional facility put in OBS seen by Doctor Reynolds &

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ms Grosso & they got my records & files and they put my level from the previous 6 to the OMT Level 3 & they ain't have enough time with me so they told OMT IN Fishkill to finish cleaning up ms Tourtelot & ms Jill Carver & ms Grogan's mess its was to my benefit that I had left Fishkill 5-Block 200 months ago July 9th 2013 so it wasnt hard for Rebecca Jaffey to fix 95 well from Liboul they got my Level fixed back to Level 2 talking but my OMT Level they had to adjust it to 2 because of the medication I took & the 1st time I left Fishkill my

Diagnosis were Bipolar Depression Anti Social Personality after these 11 things were done to me my Diagnosis have been messed up every since I have records & documents to support my claims now I explained all of these things to Rebecca Jaffey & I grieved it took it to unit chief Krawse my pleas went unanswered during the night shift I spoke with a officer & was told I was on the draft I was going to Clinton I attempted suicide to not go to Clinton because the 1st time I was in Clinton a riot happened 2011 August & I was Blamed later found not to be guilty at all in the slightest but now originally I was sentenced to 36 months by LA Miller then before I left I was told



If I ever come back to the jail I would be killed  
 or hurt really bad to say the least I appealed it it  
 was modified to 18 months then I served 15 of  
 the 18 months & it was administratively reversed  
 I sued for ~~52,760~~ 760.00 Dollars & I won  
 however I said that to say I ended up leaving  
 Freshkill S-Block & going to Downstate  
 correctional facility on 9 0 MTH 10 Day out  
 Court I told the 0 MTH committee listen  
 officers in Clinton Correctional Facility are  
 going to hurt me or kill me they basically  
 blew me off I went to Clinton & suffered  
 2 STAFF ON INMATE ASSAULTS ONE  
 on 6-23-14 6-26-14 I was put  
 behind a ~~6/955~~ 6/955 shield illegally & unlawfully  
 confined & these officers were even urinating  
 in my food & doing other things to my food  
 as well that I rather not speak of it was a really  
 tough time for me in life my mail was being  
 intercepted appeals to CORE my notice of  
 intents that I'm sending now I've  
 been battling two prisons they way  
 Greivance to get these intents to  
 the Court I asked for intents to  
 certain courts they send me the intents  
 they want to send me mail from home  
 isn't making it to me & my mail isn't  
 making it to my family I put documents  
 about medical & mental health to my lawyers the courts & it



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was stolen out of the facility mail here  
 at South Port Correctional Facility they  
 have also been blocking me from purchasing  
 my medical Records that would show  
 clearly about other Incidents that have  
 taken place that I have been getting  
 illegally harmed by these people jail  
 to jail I was a victim of a staff  
 on inmate assault at Fish Kill  
 that hurt me as well these people  
 cover up & throw away Documents hide  
 Documents for each other but Gods  
 going to reveal these things All these  
 things for me while in Clinton Correctional  
 Facility Ms Lantos use to get me up for  
 the officers & she would get me in a secluded  
 area for them & that's where they would assault  
 me Ms Lantos works for CCH in Clinton  
 & she done a lot of mean & professional  
 things to me & they got me hurt really  
 BAD & The Doctor use to turn a blind  
 eye & then I was brought here to South  
 Port & I told ms Dalley, ms Mitchel, ms Watkins,  
 ms Gilmore & ms Brown all of the things that  
 are in this letter I wrote mayeen Bobo  
 Jill Grant Debrah Munning countless times  
 notifying them all of these things Joann Waldron  
 unit chief at Clinton included & nothing they all  
 turned a blind eye to it & my eyes went

Q

unanswered many of days then I sent my  
official Grievance To Commissioner Michael F Hogan  
 I'm still waiting to hear back from  
 him or someone representing the  
 office of mental Health SO  
 & I'm due to be released from  
 Special Housing unit 2-26-15 so this is  
 a brief synopsis of what happened & how I  
 was violated utterly & disrespectfully. Thank you  
 for your time you all have a nice day Good  
 bye God bless you all —

Commissioner  
 New York State Office of  
 Mental Health  
 44 Holland Ave  
 Albany, New York

12229

Sincerely Michael Enlitten  
 10B2619 DEN  
 CELL B-10-4  
 2-29-2015

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Din.# 10636  
Claimant, Pro-Se



State of New York  
Court of Claims

Pine City, N.Y. 14871-2000

V. da/whitney-----X  
Claimant,

Claim

-against-

Claim No. \_\_\_\_\_

NYDOCS/NEW YORK STATE OFFICE OF MENTAL HEALTH

Defendant(s).

Medication subscriber Mrs Tartelet, Psychiatrist Jill Carver, Margaret Bosco, Rebecca J. Kelly  
Frankie L. Boyd, Unit Chief, Kipwase, Downstate OMH, Psychiatrist Lando  
Unit Chief Christine Dole, Unit Chief Joanne Waldman, Ms Watkins, Ms Brown  
Ms Gilmore, Jill Grant, Deborah  
Claimant, V. da/whitney, appearing Pro-Se, complaining of defendant,  
NYDOCS/OFFICE OF MENTAL HEALTH MARY PSYCHIATRIC CENTER alleges the following upon information and belief:

- 1- The Post Office address of the claimant is: Southport Correctional Facility 236 Bob Masia Drive, P.O. Box 2000 Pine City, New York 14871-2000.

(USE ADDITIONAL PAPER WHERE NECESSARY)

- 2- This claim arises from acts or omissions of the defendant. Details of said acts or omissions are as follows: Violated my mental Health Patient Bill of Rights

& responsibilities as well as mental Hygiene Law State  
& Federal Guidelines

- 3- The place where the act(s) took place is: midstate Correctional Facility & Blair

morey Correctional Facility General Population & Box Fishkills-Block  
200 Clinton Correctional Facility unit 14 13 cell & company down  
4- The claim accrued on various dates state Correctional Facility as  
well

5- (Check the appropriate box)

☒ This claim is served and filed within 90 days of accrual.

OR

☐ A Notice of Intention to File a Claim was served on which date was within 90 days of accrual.

OR

☐ This is a Claim by a correctional facility inmate to recover damages for injury to or loss of personal property and it is served and filed within 120 days of exhaustion of claimant's administrative remedies.

(USE ADDITIONAL PAPER WHERE NECESSARY)

By reason of the foregoing, Claimant was damaged in the amount of \$ \$50,000.00  
claimant demands judgment against the Defendant(s) in for said amount.

The claim arose for mental health so called professionals violating  
state & federal like Laws AND OR Rights & responsibilities  
of a mental Patient (me) DMH level 2 while  
being property of New York STATE as well as  
administration cruel & unusual punishment  
to myself hiding/destroying my mental health records  
to cover up misconduct & unprofessionalism of staff &  
OR civil rights negligence - deliberate indifference

Alvin Eubank

Din. # 10B2619  
Claimant, Pro-Se  
Southport Correctional Facility  
236 Bob Masia Dr., P.O. Box 2000  
Pine City, N.Y. 14871-2000

VERIFICATION

STATE OF NEW YORK )  
 )SS:  
COUNTY OF CHEMUNG )

Vidal Whitley; being duly sworn, deposes and says that deponent is the Claimant in the within action; that deponent has read the foregoing Claim and knows the contents thereof; that the same is true to deponent's own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes it to be true.

Vidal Whitley  
Inmate, # 1082619  
Claimant, Pro-Se  
Southport Correctional Facility  
236 Bob Masia Dr., P.O. Box 2000  
Pine City, N.Y. 14871-2000

Sworn and subscribed to before me on  
this 26 day of February, 20 15.  
[Signature]  
Notary Public

ROBERT T. ABRAMS  
Notary Public, State of New York  
Qual. In Chemung Co. No. 01AB6114504  
Commission Expires August 16, 20 16

SERVICE AND FILING INSTRUCTIONS

You must serve a copy of the claim in accordance with Court of Claims Act section 11(a) and you must file the original and two copies, with proof of service and the filing fee of \$50.00 or an application for waiver or reduction of the filing fee, with the Clerk of the Court of Claims within 90 days of accrual of the claim (120 days in the case of an inmate claim for loss of or damage to personal property).

FAILURE TO EFFECT PROPER AND TIMELY SERVICE AND FILING MAY RESULT IN DISMISSAL OF YOUR CLAIM

New York State Court of Claims  
Justice Building, Capitol Station, P.O. Box 7344  
Albany, New York 12224



State of New York  
Court of Claims

Vidal/Whitley

Claimant,

VERIFIED BILL OF PARTICULARS

-against-

OAG NO. \_\_\_\_\_

NEW YORK STATE

DEPARTMENT OF CORRECTIONAL SERVICES,

*NY Docs / NY Office of Mental Health - Marcy Central NY Psychiatric Hospital / Maurine Buro - MS Grazioplene - Medication Submitter MS Tourette - Psychiatrist Jill Carver - Psychiatrist Rebecca Jaffey - Psychiatrist Franc Libout - Unit Chief Krause - Unit Chief Joann Waldron - MS Ianctos - Unit Chief Christine Doherty - MS Brown - MS Gilman - 10041 + Downstate Correctional Facility on H Committee - Jill Grant Debra Manning*

Defendant

In accordance with Section 3041, Rule 3042, Rule 3043, et seq. of the Civil Practice Law and Rules, the claimant, Vidal/Whitley, hereby furnish the following Verified Bill of Particulars in support of the enclosed claim.

- Set forth the name, current address, Department Identification Number (DIN) of the claimant. Vidal/Whitley, Din.# 10B2619, Southport Correctional Facility 236 Bob Masia Drive, P.O. Box 2000 Pine City, New York 14871-2000.
- Set forth the date of the occurrence of the event in issue. Various dates & coming
- Set forth the exact location of the occurrence in question. Middlestate - Marcy Fishkill  
Downstate - Clinton - Southport

4. Specify the following information with respect to each item claimed to be missing:

Item 1:

Nature of the item: \_\_\_\_\_

Date of purchase: \_\_\_\_\_

Place of purchase: \_\_\_\_\_

Original purchase price: \_\_\_\_\_

By whom purchased: \_\_\_\_\_

How acquired if not purchased: \_\_\_\_\_

General condition of item at time of alleged loss: \_\_\_\_\_